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Missouri. Constitutional convention, 1820,

JOURNAL

OF THE

MISSOURI STATE

CONVENTION.

ST. LOUIS:

PRINTED BY I. N. HENRY AND CO.

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JOURNAL.

PROCEEDINGS of the Convention, begun and held at the town of St. Louis, in the territory of Missouri, on the second Monday, being the twelfth day of June, in the year of our Lord one thousand eight hundred and twenty, and of the Independence of the United States of America the forty fourth, pursuant to an act of the Congress of the United States, entitled "an Act to authorize the people of Missouri Territory, to form a Constitution and State Government and for the admission of such State into the Union, on an equal footing with the original States and to prohibit slavery in certain Territories." Approved on the 6th day of March, 1820.

THE following Representatives appeared, produced their credentials were sworn and took their seats, to wit :—

From the county of Howard, Nicholas S. Burckhartt, John Ray, Duff Green and Benjamin H. Reeves.

From the county of Cooper, William Lillard, Robert Wallace and Robert P. Clarke.

From the county of Montgomery, Jonathan Ramsay, James Talbot.

From the county of Pike, Stephen Cleaver.

From the county of Lincoln, Malcolm Henry.

From the county of St. Charles, Hiram H. Baber, Nathan Boone and Benjamin Emmons.

From the county of Franklin, John G. Heath.

From the county of St. Louis, David Barton, William Rector, Alexander McNair, Bernard Pratte, Edward Bates, John C. Sullivan, Pierre Chouteau, junr. and Thomas F. Riddick.

From the county of Jefferson, Samuel Hammond.

From the county of Washington, John Rice Jones, Samuel Perry and John Hutchings.

From the county of St. Genevieve, Robert T. Brown, John D. Cook.

From the county of Madison, Nathaniel Cook,

From the county of Cape Girardeau, James Evans, Stephen Bird, Joseph McFerron, Richard S. Thomas and Alexander Buckner.

From the county of New Madrid, Christopher G. Houts, Robert D. Dawson.

From the county of Wayne, Elijah Bettis.

The convention proceeded to the election of a President, and on

counting the ballots there appeared for David Barton 28; Richard S. Thomas 6; John Rice Jones 3; Samuel Hammond 1; majority of votes appearing for Mr. Barton, he was declared duly elected and having been conducted to the chair

The convention proceeded to the election of a Secretary and on counting the ballots there appeared for William G. Pettus 21; Archibald Gamble 12; Thompson Douglass 3; Joseph V. Garnier 2; a majority of votes appearing for William G. Pettus, he was declared duly elected.

The convention proceeded to the election of a Door-keeper and on counting the ballots there appeared for George W. Ferguson 35; for Edward Horrocks 2; a majority of votes appearing in favor of George W. Ferguson, he was declared duly elected.

Mr. Thomas submitted the following resolution which was adopted:

Resolved, That each member of this convention take an oath to support the Constitution of the United States, and also an oath for the faithful discharge of the duties of his office, which oaths shall be administered by any Judge of the Superior Court, or Justice of the Peace, for this territory. Whereupon the Hon. Silas Bent, a Judge of the Superior Court appeared and administered the oaths aforesaid, to all the members present.

Mr. Cook of St. Genevieve, moved the following resolution:

Resolved, By the representatives of the people of Missouri territory, in convention assembled, that it is expedient now to form a Constitution and State Government for the people of said territory, included within the boundaries designated by an act of Congress, entitled "an Act, to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories," approved on the 6th day of March, 1820. On which the yeas and nays being called for and taken, it appeared that

Messrs. Burckhartt, Boone, Baber, Barton, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Chouteau, Cook of St. Genevieve, Cook of Madison, Dawson, Emmons, Evans, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot, Thomas and Wallace, 38 voted in the affirmative, so the resolution was unanimously adopted.

On motion of Mr. *Thomas*,

A committee of five members were appointed to draft and report rules for the government of the convention, Messrs, Thomas, Emmons, Jones, Cook of Madison, and Riddick, were appointed that committee.

Mr. Jones presented the proposals of William Bennet, to provide a hall and two rooms for the use of the convention, at thirty dollars a week, which proposals were accepted by the convention.

On motion of Mr. *Heath*,

Messrs. Pratte, McNair and Sullivan, were appointed a committee,

to fit up and prepare the hall and rooms, for the reception of the convention and committees.

Then the convention adjourned, till 9 o'clock to morrow morning.

TUESDAY, JUNE 13, 1820.

The convention assembled pursuant to adjournment, Henry Dodge a representative from the county of St. Genevieve, appeared produced his credentials, was sworn and took his seat.

Mr. Bates, submitted the following resolution:

Resolved, That a committee of members be appointed to draft a constitution, and report the same to this house, and that the president appoint that committee.

The question on the adoption of the resolution being taken, it was decided in the negative.

On motion of Mr. Thomas, the following resolution was adopted:

Resolved, That four committees to consist of three members each, be appointed by the president, one to draft that part of the constitution which relates to the legislative department; one on that part which relates to the executive; one on that part which relates to the judiciary; and one on a bill of rights and other parts not before mentioned, and that they report to this house.

On motion of Mr. Green, the following resolution was adopted:

Resolved, That a committee of three members be appointed to make arrangement for such printing as the convention may want executed, and Messrs. Greene, Rector and Boone, were appointed that committee.

The committee appointed to draft and report rules and regulations for the order and government of this convention, reported in the following words.

"The committee appointed to draw up rules and regulations for the government of the convention, beg leave to report the following":—

THE DUTIES OF THE PRESIDENT.

1*st*. He shall take the chair every day at the hour to which the convention shall have been previously adjourned, and on the appearance of a quorum shall call to order and cause the journal of the preceding day to be read.

2*nd*. He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the convention by any two members, on which appeal no member shall speak more than once unless by leave of the convention.

3*rd*. He shall rise to put a question, but may state it siting, every motion shall be distinctly put in this form, to wit. "you that are of opinion, that (as the question may be) say aye," and after the affirmative voice is expressed "as many as are of the contrary opinion say no."—If the president doubts, or a division be called for, the convention shall

divide those in the affirmative of the question, shall first rise from their seats and afterwards those in the negative, and the president shall rise and state the decision to the convention.

4th. The President, shall on leaving the chair and substituting another member in his place, have the right of debating on any question.

5th. All committees shall be appointed by the president, unless otherwise specially directed by the convention, in which case they shall be appointed by ballot.

6th. He shall not vote on any question unless the convention be equally divided, or unless his vote if given to the minority will make the division equal, and in case of such equal division the question shall be lost, or unless the question shall be taken by yeas and nays, in which case he shall vote last.

OF DECORUM IN DEBATE.

1st. When any member is about to speak in debate or deliver any matter to the convention, he shall rise from his seat and respectfully address himself to the president, and shall confine himself to the question under debate and avoid personality.

2nd. If any member shall in speaking, or otherwise transgress the rules of the convention, the president shall or any member may call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain. And the convention shall if appealed to decide on the case, but without debate; if there be no appeal the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise and the case require it, he shall be liable to the censure of the convention.

3rd. When two or more members happen to rise at the same time, the president shall name the member who is first to speak.

4th. No member shall speak more than once to the same question, until every member choosing to speak shall have spoken, nor more than twice on any subject, without leave of the convention.

5th. When the president is puting a question or addressing the convention no member shall walk out of, or across the room, nor in such case shall entertain private discourse, nor while a member is speaking shall pass between him and the chair.

6th. Every member who shall be present when the question is put, shall give his vote, unless the convention for special reasons shall excuse him; but no member shall vote on any question in which he is individually interested.

7th. When a motion is made and seconded it shall be stated by the president, or being in writing it shall be handed to the chair, and read aloud by the secretary before debated.

8th. Every motion shall be reduced to writing, if the president or any member shall desire it.

9th. After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the house, but may be

withdrawn at any time before a decision or amendment, by leave of the house.

10*th*. When a question is under debate, no motion shall be received but to amend, to postpone the previous question or to adjourn, and a motion to adjourn shall always be in order and shall be decided without debate. The manner of taking the previous question shall be, "shall the main question be now put," which previous question shall also be taken without debate.

11*th*. The yeas and nays shall be taken when requested by any two members of the convention.

12*th*. No clause, chapter or article, shall be adopted as part of the constitution, until the same shall have been separately read on three several days, unless such readings shall have been dispensed with, by a vote of two thirds of all the members elected to the convention.

13*th*. Every member shall duly attend in his place, during the sittings of the convention, unless prevented by sickness or unavoidable accident.

DUTIES OF THE SECRETARY.

It shall be his duty to keep a book in which he shall seasonably record the motions, rules and proceedings of the convention, and to do and perform all such other acts appertaining to his office, as may be required of him by the president of the convention.

DUTIES OF THE DOOR-KEEPER.

It shall be his duty to attend the convention during its sitting, to execute the commands of the convention from time to time, together with all such process issued by the authority thereof, as shall be directed to him by the president. Which rules and regulations were adopted by the convention.

On motion of Mr. *Emmons*,

The committee appointed to make arrangements for such printing as the convention may want executed, are instructed to have fifty copies of the rules and regulations printed for the use of the members.

The following committees were appointed in persuance of the resolution submitted by Mr. Thomas:

On the legislative, Messrs. Jones, Emmons and Clarke.

On the executive, Messrs. Rector, Cook of Madison, and Evans.

On the judicial, Messrs. Thomas, Cook of St. Genevieve, and Bates.

On a bill of rights and other parts not before mentioned, Messrs. Ramsay, Hammond and Green.

Then the convention adjourned, till 9 o'clock to morrow morning.

WEDNESDAY, JUNE 14, 1820.

The convention assembled pursuant to adjournment.

Mr. Heath, submitted the following resolution, which was adopted:

Resolved, That a committee of three members be appointed, to take into consideration the expediency of accepting or rejecting the five

propositions of congress, relative to public lands, salt-springs, &c. and to report thereon to the convention, and if they deem it expedient to accept the same, report an ordinance or ordinances concerning the same. Messrs. Heath, Ray and Buckner, were appointed that committee.

The committee appointed to make arrangement for such printing as the convention may want executed, made a report in the following words, "the committee appointed to make arrangements for printing, beg leave to report, that having addressed a note to Messrs. Isaac N. Henry & Co. Printers, of which document No. 1, is a copy, they have received an answer marked No. 2, which is herewith reported, and do recommend the following resolution:

Resolved. That the propositions made by Messrs. Isaac N. Henry & Co. for executing such printing as the convention may want done, be accepted, for all job printing done by order of the convention, and a separate proposition be made for printing the journal and constitution when found.

No. 1.

St. Louis, June 13th, 1820.

Gentlemen,

The undersigned having been appointed a committee to make arrangements for such printing as the convention may want executed, wish to know the terms on which it can be done by you, and as doubts have arisen in the minds of some whether the convention of right can draw on the funds of the territory, they wish it understood that it is probable that the payment will be delayed, until the state legislature can make provision therfor.

Yours &c.

William Rector,
Nathaniel Boone,
Duff Green.

Messrs. *Isaac N. Henry & Co. Printers*.

No. 2.

St. Louis, June 14th, 1820.

To Messrs. *Rector*, *Boone* and *Green*, committee for printing.

Gentlemen,

Your note of yesterday requesting to know the terms on which we would do such printing as the convention should want during its sitting, was duly received. We presume the printing you will require to be done, will principally consist of small jobs, we therefore propose to do it by the quire, at the same rates we do blanks, viz. two dollars for each quire of paper that is made use of. The printing for the convention will be considerably more difficult to do than ordinary blanks, the above proposition is therefore something lower than we have been in the habit of printing for individual customers.

We are with respect your obedient servants,

Isaac N. Henry & Co.

Which report was concurred in by the convention. Then the convention adjourned, till 9 o'clock to morrow morning.

THURSDAY, JUNE 15, 1820.

The convention assembled pursuant to adjournment.

Jonathan S. Findlay, a representative from the county of Howard, appeared, produced his credentials, was sworn and took his seat.

The committee to whom was referred the expediency or inexpediency of accepting the propositions of congress, respecting the public lands, salt-springs, &c. made a report in the following words:

"Your committee to whom was referred the expediency or inexpediency of accepting the five propositions of congress, respecting the public lands, salt-springs, &c. beg leave to report, that they have had the subject under consideration and deem it expedient for the convention on behalf, and for the people of this state, to accept the five propositions of congress as offered in the act, entitled "an Act, to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and to prohibit slavery in certain territories. Approved March 6, 1820; and, further beg leave to report the following ordinance.

John G. Heath, Chairman.

ORDINANCE.

This convention for and on behalf of the people inhabiting this state do accept the five propositions offered by the act of congress, under which they are assembled; and this convention for and in behalf of the people inhabiting this state, do ordain, agree and declare that each and every tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the state, whether for state county or township, or any other purpose whatever for the term of five years, from and after the day of sale; and further, that the bounty-lands granted or hereafter to be granted for military services during the late war; shall, while they continue to be held by the patentees or their heirs, remain exempt as aforesaid from taxation for the term of three years, from and after the date of the patents respectively; and this ordinance is hereby declared irrevocable without the consent of the United States —done in convention, &c.—and

The question being taken upon the expediency of accepting the report, and the yeas and nays being called, it appeared that

Messrs. Burckhartt, Boone, Baber, Barton, Bates, Brown, Buckner, Bird, Bettis, Cleaver, Chouteau, Cook of St. Genevieve, Cook of Madison, Dodge, Dawson, Emmons, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Thomas and Wallace,

voted in the affirmative, so the report and ordinance were unanimously accepted.

On motion of Mr. *Findlay*,

Ordered that fifty copies of the report and ordinance be printed, for the use of the convention.

Then the convention adjourned, till 9 o'clock to morrow morning.

FRIDAY, JUNE 16, 1820.

The convention assembled pursuant to adjournment.

John Scott, a representative from the county of Ste. Genevieve, appeared, produced his credentials, was sworn and took his seat.

The several committees appointed to draft the different parts of a constitution, severally made their reports, and

On motion of Mr. *Cook*, of Madison,

The reports were re-committed to a select committee, Messrs. Jones, Evans, Cook of Ste. Genevieve, and Ramsay, were appointed that committee.

Then the convention adjourned, till 9 o'clock to morrow morning.

SATURDAY, JUNE 17, 1820.

The convention assembled pursuant to adjournment.

Mr. *Green* from the committee appointed to contract for printing, submitted a report, accompanied with the following resolution:

Resolved, That the propositions made by Messrs. Isaac N. Henry & Co. for printing the constitution when framed and journals of this convention, be accepted.

The propositions follow in these words,

"St. Louis, June 17, 1820.

"We will print twelve hundred copies of the constitution for the state of Missouri on foolscap paper, and have them stitched and covered with marble colored paper, with the edges trimed and colored, for one hundred dollars; twelve hundred copies of the journals will be printed on ordinary printing paper and stitched, at the same rates (agreeable to the size of the pamphlet) that we propose to do the constitution, after taking into consideration the difference in the quality of the paper and deducting the additional expense of covering and trimming them, and coloring the edges.

Isaac N. Henry & Co."

Mr. *Ramsay* moved to lay the report and resolution on the table, which was negatived.

The question then being taken on the adoption of the resolution, it was decided in the affirmative.

The committee appointed for the purpose of revising and consolidating the different reports made to the convention relating to the constitution to be formed, submitted the same.

Mr. *Jones* moved to have 300 copies printed, which was negatived.

Mr. *Green* moved to have 50 copies printed for the use of this house, which was decided in the affirmative.

The ordinance reported on the 15th inst. was taken up and read the second time, and on motion the same was committed to a committee of the whole house, and made the order of the day for Monday next.

On motion of Mr. *Thomas*,

Ordered that fifty copies of the act of congress under which this convention is assembled, be printed for the use of the members.

Then the convention adjourned, till Monday morning next 9 o'clock.

MONDAY, JUNE 19, 1820.

The convention assembled pursuant to adjournment.

The president laid before the convention proposals of Joseph Charless, for printing the journals and constitution when formed, which being read;

On motion of Mr. *Findlay*,

Ordered that the proposals be laid on the table.

Mr. Jones moved that the house do now go into a committee of the whole on the order of the day, which was negatived.

Mr. *McFerron* submitted the following resolution:

Resolved, That a committee of three members be appointed by the president, to draft a memorial to congress concerning pre-emption rights, and report the same to this convention, the question being taken on the adoption of the resolution it was negatived.

The convention resolved itself into a committee of the whole Mr. Jones in the chair, on the ordinance reported on the 15th inst. respecting the public lands, salt-springs, &c. and after having spent sometime therein, the committee rose, the president resumed the chair, and Mr. Jones reported the ordinance with amendments, which was ordered to be engrossed for a third reading.

Then the convention adjourned, till 9 o'clock to morrow morning.

TUESDAY, JUNE 20, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Ramsay*,

That part of the report of the committee appointed to draft a constitution for Missouri, consisting of the preamble, distribution of the powers of government and legislative department was taken up and read the second time, and committed to a committee of the whole, and made the order of the day for to morrow.

Then the convention adjourned, till 9 o'clock to morrow morning.

WEDNESDAY, JUNE 21, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Thomas*,

The house resolved itself into a committee of the whole, Mr. Reeves in the chair, agreeably to the order of the day, on that part of the report

of the committee appointed to draft a constitution for Missouri, consisting of the preamble, distribution of the powers of government and legislative department, and after having spent sometime therein, the committee rose, reported progress, and obtained leave to sit again.

On motion of Mr. *Scott*,

Resolved, That the governor of the territory, the secretary of the territory, the judges of the superior and circuit courts, be admitted to a seat within the bar of the house.

The convention adjourned, till 8 o'clock to morrow morning.

THURSDAY, JUNE 22, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *McFerron*,

Resolved, That Mr. Monroe, late private secretary to the president of the United States, and Mr. Strother, late a member of congress, be admitted to seats within the hall of this convention.

The convention again resolved itself into a committee of the whole, Mr. Reeves in the chair on the order of the day, on that part of the report of the committee appointed to draft a constitution for Missouri, consisting of the preamble, distribution of the powers of government and legislative department, and after having spent sometime therein the committee rose, reported progress, and obtained leave to sit again.

Then the convention adjourned, till 9 o'clock to morrow morning.

FRIDAY, JUNE 23, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Henry*,

The convention again resolved itself into a committee of the whole, Mr. Reeves in the chair, on the order of the day, on that part of the report of the committee appointed to draft a constitution for Missouri, consisting of the preamble, distribution of the powers of government and legislative department, and after having spent sometime therein the committee rose, reported progress, and obtained leave to sit again.

Then the convention adjourned, till 9 o'clock to morrow morning.

SATURDAY, JUNE 24, 1820.

The convention assembled pursuant to adjournment.

Mr. *Emmons* moved that the convention do now adjourn, until Monday morning 9 o'clock, and the question being taken, the yeas and nays were called for and were as follows:

Yeas, Messrs. Boone, Baber, Barton, Brown, Buckner, Bird, Bettis, Chouteau, Dawson, Emmons, Evans, Findlay, Heath, Houts, Jones, McFerron, Pratte, Riddick, Sullivan, Scott, Thomas and Wallace, 22.

Nays, Messrs. Burckhartt, Bates, Cleaver, Cook of Ste. Genevieve, Green, Henry, Hutchings, Lillard, McNair, Ray, Reeves and Ramsay, 12.

And the convention adjourned accordingly.

MONDAY, JUNE 26, 1820.

The convention assembled pursuant to adjournment.

Mr. *Findlay* submitted the following resolution which was adopted.

Resolved, That a committee of three members be appointed to wait on the governor of this territory, and to request him to communicate to this convention any information in his posession calculated to aid the convention in apportioning the representation in the next general assembly among the several counties; Messrs. Findlay, Lillard and Cleaver, were appointed that committee.

Mr. *Cook* of Ste. Genevieve, submitted the following resolution, which was adopted.

Resolved, That so much of the 6th section of the act, of congress authorizing the people of Missouri territory to form a constitution and state government as is contained in the fourth proposition, be refered to a select committee of three, with instructions to enquire whether any, and if any, what provision is necessary to be made by the convention on the subject of that proposition Messrs. Cook of Ste. Genevieve, Pratte and Dawson, were appointed that committee.

The convention again resolved itself into a committee of the whole, Mr. Reeves in the chair, on the order of the day, and after having spent some time therein the committee rose, the president resumed the chair and Mr. Reeves reported that part of the constitution which the committee of the whole had had under consideration, which was ordered to lie upon the table.

On motion of Mr. *Evans*,

That part of the report of the committee appointed to draft a constitution for Missouri, relating to the executive department was taken up and read the second time, and committed to a committee of the whole, and made the order of the day for to morrow.

And the convention adjourned, till 8 o'clock to morrow morning.

TUESDAY, JUNE 27, 1820.

The convention assembled pursuant to adjournment.

Mr. Findlay from the committee appointed to wait on the governor of this territory, and to request him to communicate to this convention any information in his possession, calculated to aid the convention in apportioning the representation in the next general assembly among the several counties, made a report, consisting of a letter from the governor of this territory, and sundry documents which were laid upon the table.

Mr. *Jones* submitted the following resolution which was adopted.

Resolved, That a committee of three be appointed to wait upon the territorial auditor, and obtain from him a written statement of the amount of taxes assessed on, or paid by the several counties in the Missouri territory, for the support of the territorial government for the years 1817, 1818 and 1819, and make report thereof to the con-

vention—Messrs. Jones, Talbot and Chouteau were appointed that committee.

The convention resolved itself into a committee of the whole, Mr. Dawson in the chair, on the order of the day, on that part of the report of the committee appointed to draft a constitution for Missouri concerning the executive department, and after some time spent therein, Mr. President resumed the chair, and Mr. Dawson reported that the committee had made some progress therein and directed him to ask leave to sit again, leave was granted—

Then the convention adjourned, till 8 o'clock to morrow morning.

WEDNESDAY, JUNE 28, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Evans*,

The convention again resolved itself into a committee of the whole, Mr. Dawson in the chair, on the order of the day on that part of the report of the committee appointed to draft a constitution for Missouri concerning the executive department, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Dawson reported the same with sundry amendments, which report was laid upon the table.

On motion of Mr. *Perry*,

That part of the report of the committee, appointed to draft a constitution for Missouri concerning the judicial power, was taken up and read the second time and committed to a committee of the whole, and made the order of the day, for this day—

Then the convention adjourned, till 8 o'clock to morrow morning.

THURSDAY, JUNE 29, 1820.

The convention assembled pursuant to adjournment.

The convention resolved itself into a committee of the whole, Mr. Ray in the chair, on the order of the day, on that part of the report of the committee appointed to draft a constitution for Missouri concerning the judicial power, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Ray reported the same with sundry amendments, which was ordered to be laid on the table.

That part of the report of the committee appointed to draft a constitution for Missouri embracing the general provisions, mode of revising and amending the constitution and schedule, was taken up and read the second time, and committed to a committee of the whole and made the order of the day, for this day.

The convention then resolved itself into a committee of the whole on the above order of the day, Mr. Riddick in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Riddick reported that the committee had made some progress therein, and asked for, and obtained leave to sit again.

Mr. *Bates* submitted the following resolution which was adopted.

Resolved, That a committee of three members be appointed to revise, arrange, and where it may be necessary, transpose the sections of the constitution, as the same have passed the committee of the whole without altering in any respect the substance thereof.

Then the convention adjourned, till 8 o'clock to morrow morning.

FRIDAY, JUNE 30, 1820.

The convention assembled pursuant to adjournment.

Mr. Bates, Mr. Cook of Ste. Genevieve, and Mr. Findlay, were appointed a committee in pursuance of the resolution adopted on yesterday.

That part of the draft of the constitution embracing the distribution of power and legislative department, was taken up by the convention on its third reading.

ARTICLE 1.

Sec. 1 and 2 agreed to.

ARTICLE 2.

Sec. 1 agreed to.

Sec. 2. The members of the house of representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the time of their election.

Mr. *McFerron* moved to strike out "two years" and insert "one year," which was negatived by yeas and nays.

Yeas, Messrs. Clarke, Emmons, Findlay, Hammond, Houts, McFerron, Riddick and Thomas, 8.

Nays, Messrs, Burckhartt, Baber, Bates, Brown, Bird, Bettis, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Green, Henry, Heath, Hutchings, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Sullivan, Talbot, Wallace and Barton, President, 30.

And the section agreed to.

Sec. 3. At the first election under this constitution no person shall be a representive who is not a citizen of the United States, and who shall not have resided within the limits of this state at least six months previous to the adoption of this constitution and who shall not have attained the age of twenty-five years.

Mr. *Findlay* moved to strike out the words "have resided within the limits of this state at least six months previous to the," and to insert "reside within the limits of this state at the time of the adoption of this constitution," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Bird, Bettis, Cook of Ste. Genevieve, Cook of Madison, Evans, Findlay, Green, McFerron, Ray, Reeves, Ramsay, Rector and Wallace, 14.

Nays, Messrs. Boone, Baber, Bates, Brown, Clarke, Cleaver, Chouteau, Dodge, Dawson, Emmons, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, Pratte, Perry, Riddick, Sullivan, Talbot, Thomas and Barton president, 25.

A motion was then made by Mr. *Thomas*, to strike out the words "twenty-five" and insert "twenty-one," which was also negatived by yeas and nays as follows:

Yeas, Messrs. Cook of Ste. Genevieve, Cook of Madison, Dawson, Evans, Emmons, Houts, Jones, Lillard, McNair, McFerron, Perry, Ray, Ramsay, and Thomas, 14.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Bird, Bettis, Clarke, Cleaver, Chouteau, Dodge, Findlay, Green, Henry, Heath, Hammond, Hutchings, Pratte, Reeves, Rector, Riddick, Talbot, Wallace and Barton president, 24.

And the section agreed to.

Sec. 4. At the first election under this constitution no person shall be a senator who is not a citizen of the United States, and who shall not have resided within the limits of this state at least six months previous to the adoption of this constitution, and shall have attained the age of thirty years.

On motion of Mr. *Perry*,

The following words were prefixed to the section, "the senators shall be chosen by the qualified electors for representatives, for the term of four years, and"

A motion was then made by Mr. *Thomas*, to strike out the word "thirty" and to insert "twenty-five," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Boone, Cook of Madison, Dawson, Houts, McFerron, Rector and Thomas, 7.

Nays, Messrs. Burckhartt, Baber, Bates, Brown, Bird, Bettis, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Dodge, Emmons, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves, Ramsay, Riddick, Talbot, Wallace and Barton president, 31.

And the section as amended was agreed to.

Sec. 5, 6, 7 and 8, agreed to.

Sec. 9. No person while he continues to exercise the functions of a bishop, priest, clergyman or teacher of any religious persuasion, denomination, society or sect whatever, shall be eligible to a seat in either branch of the legislature, or to be elected or appointed to any office of profit within this state, the office of justice of the peace excepted.

Mr. *Emmons* moved to strike out the whole section, on which question the yeas and nays were called for and taken, and were as follows:

Yeas, Messrs. Boone, Bird, Bettis, Emmons, Findlay, Green, Hammond, Hutchings, McNair, McFerron, Pratte, Ray, and Thomas, 13.

Nays, Messrs. Burckhartt, Baber, Bates, Brown Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Henry, Heath, Houts, Jones, Lillard, Perry, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 26.

So the motion was negatived and the section agreed to.

Sec. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, agreed to.

Sec. 25. On motion of Mr. *Jones*, the following words were added and the section thus amended, agreed to:—

"And no person who after the first day of January next, shall hold any office of honor, trust, or profit under this state, or the United States, the office of commissioner for holding treaties with the Indians, excepted, and except, as herein before excepted, shall be eligible to any office of honor, trust or profit, in this state, unless he shall have previously resigned the office he then holds, for at least fifteen days before the day of his election or appointment."

Sec. 26 agreed to.

Sec. 27, Amended, so as to read "a state treasurer shall be biennially appointed by a joint vote of both houses of the general assembly, and an auditor of public accounts shall be appointed by the governor, by and with the advice and consent of the senate, who shall hold his office for the term of four years, and who shall keep their offices at the seat of government, during their continuance in office, and each of them shall before entering on the duties of their respective offices give sufficient security for the faithful discharge thereof, in such manner and in such sums, as shall be prescribed by law.

Leave of absence is granted Messrs. Boone and Baber, representatives from the county of St. Charles, until Wednesday morning next.

Sec. 28 and 29 agreed to.

Sec. 30 No county now established by law, shall ever be reduced by the erection of any new county, to less than twenty-five miles square, nor shall any county hereafter be established to contain less than six hundred and twenty-five square miles.

Mr. *Findlay* moved to strike out the whole section, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Boone, Cleaver, Emmons, Findlay, Green, Hammond, Hutchings, McNair, Reeves, Ramsay, Sullivan and Wallace, 13.

Nays, Messrs. Bates, Brown, Bird, Bettis, Clarke, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Henry, Heath, Houts, Jones, Lillard, McFerron, Pratte, Perry, Ray, Riddick, Talbot, Thomas and Barton president, 24.

And the section was agreed to.

Sec. 31. The senate shall be composed of not less than nor more than members, for the election of whom the state shall be divided &c.

A motion was made to fill the first blank with thirteen, and the yeas and nays being called for and taken, were as follows:

Yeas, Messrs. Burckhartt, Boone, Clarke, Cleaver, Cook of Ste. Genevieve, Emmons, Evans, Findlay, Green, Lillard, McNair, Pratte, Ray, Reeves, Ramsay, Rector, Talbot and Barton president, 18.

Nays, Messrs. Baber, Bates, Brown, Bird, Bettis, Chouteau, Cook of Madison, Dodge, Dawson, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Perry, Riddick, Sullivan, Thomas and Wallace, 21.

So the motion was negatived, the first blank was filled with "fourteen," and the second blank with "thirty-three," and the section as amended, agreed to.

Sec. 32 agreed to.
Sec. 33 stricken out.
Sec. 34 agreed to.

Sec. 35. "The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, or without paying their owners previous to such emancipation, a full equivalent in money for the slaves so emancipated; they shall have no power to prevent bona fide emigrants to, or actual settlers in this state from bringing with them such persons as are deemed slaves, by the laws of any one of the United States, so long as any persons of the same age and description, shall be continued in slavery by the laws of this state; they shall have power to pass laws, to prohibit the introduction into this state of slaves who have committed high crimes in other states or territories; they shall have full power to pass laws, to prevent any slave or slaves, from being brought into this state for the purposes of speculation, or as articles of trade or merchandise; they may pass laws to permit the owners of slaves, to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge, or provide in such case that the slaves so emancipated, remove and remain without the limits of this state, as the general assembly may from time to time deem expedient. They shall also have full power to prevent any slaves or their offspring from being brought into this state, who heretofore may have been, or hereafter may be imported into any of the United States, or the territories thereof, from a foreign country, in contravention of any of the laws of the United States; they shall have full power, and it shall be their duty to pass such laws, as may be necessary to prevent free negroes and mulattoes, from coming to and settling in this state, under any pretext whatever. And they shall have full power, and it shall be their duty to pass such laws, as may be necessary to oblige the owners of slaves, to treat them with humanity, and to abstain from all injuries to them, extending to life or limb, and in case of neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benfit of their owner or owners."

Mr. *Thomas* moved to strike out the words, "or provide in such case, that the slaves so emancipated, remove and remain without the limits of this state, as the general assembly may from time to time deem expedient," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Bird, Bettis, Dawson, Emmons, Findlay, Green, Heath, Hammond, Houts, McNair, McFerron and Thomas, 12.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Evans, Henry, Hutchings, Jones, Lillard, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 27.

And the question being taken, upon agreeing to the section, the yeas and nays were called for and taken, and were as follows:

Yeas, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Bird, Bettis, Clarke,

Cleaver, Chouteau, Cook of St. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Thomas, Wallace and Barton president, 38.

Nay, Mr. Emmons.

So the section was agreed to.

Sec. 36. Amended by striking out the words "on conviction" of a crime, suffer any other or greater corporial punishment, than shall by law be directed, to be inflicted on a free white person, convicted of a similar crime," and inserting in lieu thereof, "convicted of a capital offence, be sentenced to suffer the pains of death, in any other mode or manner, than a free white person would be sentenced to suffer the same pains, on conviction of a capital offence."

Sec. 37 agreed to.

Sec. 38. Amended by inserting after the words offered any bribe, "either directly or indirectly."

Sec. 39 agreed to.

Then the convention adjourned, till 8 o'clock to morrow morning.

SATURDAY, JULY 1, 1820.

The convention assembled pursuant to adjournment.

Mr. *Emmons*, a representative from the county of St. Charles, asked, for and obtained leave of absence until Thursday morning next.

Mr. *Jones* from the committee, appointed to wait on the territorial auditor, made a report, exhibiting the amount of taxes assessed or paid by the different counties, within the territory of Missouri, in the years 1817, 1818 and 1819, which report, was laid on the table.

The convention again resolved itself, into a committee of the whole, Mr. Riddick in the chair, on the order of the day; that part of the report of the committee embracing the general provisions, mode of revising and amending the constitution, and schedule, being still under consideration, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Riddick reported that the committee had made further progress therein, and asked for, and obtained leave to sit again.

Mr. *Heath*, a representative from the county of Franklin, asked for and obtained leave of absence, until Wednesday morning next.

Then the convention adjourded, till 8 o'clock to morrow morning.

MONDAY, JULY 3, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Thomas*,

The convention again resolved itself into a committee of the whole, Mr Riddick in the chair, on the order of the day; that part of the report of the committee embracing the general provisions, mode of revising and amending the constitution and schedule, being still under consideration, and after some time spent therein, the committee rose, Mr. Pre-

sident resumed the chair, and Mr. Riddick reported further progress therein, and asked for, leave to sit again, which was refused.

On motion of Mr. *Findlay*,

That part of the report of the committee appointed to draft a constitution for Missouri, under the head of schedule, together with an amendment on the subject of banking, reported by the committee of the whole, with orders to report thereon, be referred to a committee of three members—Messrs. Jones, Houts and McFerron, were appointed that committee.

That part of the report of the committee, appointed to draft a constitution for Missouri concerning the executive department, was taken up by the convention, on its third reading.

Sec. 1, 2 and 3, agreed to.

Sec. 4. The governor shall be at least thirty-five years of age, and a natural born citizen of the United States, or a citizen at the adoption of the federal constitution, or an inhabitant of that part of Louisiana, now included in the state of Missouri, at the time of the cession thereof from France to the United States, and have been a resident of the same at least four years next proceeding his election.

Mr. *McFerron* moved to strike out the words, "or a citizen at the adoption of the federal constitution," and in lieu thereof, to insert the words "or a natural citizen thereof," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Bird, Bettis, Dodge, Dawson, Houts, Jones, McNair, McFerron, Thomas and Wallace, 10.

Nays, Messrs. Burckhartt, Bates, Brown, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Evans, Findlay, Green, Henry, Hammond, Hutchings, Lillard, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot and Barton president, 25.

The fourth section was agreed to.

Sec. 5. The governor shall at stated times, receive for his services an adequate compensation, to be fixed by law, which shall neither be increased nor diminished, during the period for which he shall have been elected, and which shall never be less than two thousand dollars per annum.

Mr. *Perry* moved to strike out the words, "and which shall never be less than two thousand dollars per annum," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Brown, Bird, Bettis, Hammond, Hutchings, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves and Ramsay, 14.

Nays, Messrs. Bates, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Henry, Houts, Jones, Rector, Riddick, Sullivan, Talbot, Thomas, Wallace and Barton president, 21.

Mr. *Perry*, then moved to strike out the words "two thousand," and insert "one thousand five hundred," which was decided by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Brown, Bird, Bettis, Henry, Hammond, Hutchings, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves and Ramsay, 15.

Nays, Messrs. Bates, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook

of Madison, Dodge, Dawson, Evans, Findlay, Green, Houts, McFerron, Rector, Riddick Sullivan, Talbot, Thomas, Wallace and Barton president, 20.

So the motion was negatived, and the section agreed to.

Sec. 6, 7, 8, 9, 10 and 11, agreed to.

Sec. 12. In case of the death, resignation, absence from the state, removal from office, refusal to qualify, or impeachment of the governor, the lieutenant governor, and in case of like disability, on the part of the lieutenant governor, the president of the senate pro tempore, and in case there should be no president of the senate pro tempore, the speaker of the house of representatives shall possess all the powers, and discharge all the duties of governor, until such vacancy be filled, or the governor so absent, or impeached, be returned or acquitted.

Mr. *McFerron* moved to strike out the words "the lieutenant governor, and in case of like disablity, on the part of the lieutenant governor," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Brown, Bird, Bettis, Evans, Hammond, Hutchings, Houts, McFerron and Ramsay, 9.

Nays, Messrs. Burckhartt, Bates, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Green, Henry, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 25.

Mr. *McFerron* then moved to introduce the following proviso.

"*Provided*, The general assembly shall have power at any time, the same may become inconvenient or burthensome, to abolish the office of lieutenant governor, which motion was also negatived, and the section agreed to.

Sec. 13 agreed to.

Sec. 14. Amended by striking out the words, "a majority of all the members elected to," and inserting in lieu thereof, the words "two thirds of all the members present in."

Sec. 15 and 16 agreed to.

Sec. 17. The lieutenant governor shall by virtue of his office, be president of the senate, have a right when in committee of the whole, to debate and vote on all subjects; and when the senate are equally divided, shall give the casting vote, and in all cases of joint vote of both houses of the general assembly, where there is an equal division, he shall in like manner give the casting vote.

A motion was made by Mr. *Ramsay*, to strike out the words "and vote," which was negatived.

The question recurring upon agreeing to the section, the same was decided in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Bates, Clarke, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Green, Henry, Jones, McNair, Pratte, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot, Thomas and Barton president, 23.

Nays, Messrs. Brown, Bird, Bettis, Cleaver, Evans, Hammond, Hutchings, Houts, Lillard, McFerron, Perry and Wallace, 12.

Sec. 18, 19 and 20, agreed to.

Sec. 21. Until the general assembly shall otherwise provide by law,

there shall be a sheriff and a coroner, elected by the qualified voters, at each general election for representatives, for each county now in this state, and for every county hereafter to be formed, to serve for the term of two years, unless sooner removed from office, in such manner as shall be prescribed by law, and shall be ineligible for four years, out of every eight, and shall continue in office at the end of each term, until a successor be duly qualified, and shall give security for the faithful discharge of the duties of his office, in such manner as the general assembly shall provide by law. And whenever a county shall be hereafter established by law, the governor shall appoint a sheriff and coroner in such county, who shall continue in office until there shall have been a general election therein, and until his successor shall be duly qualified."

A motion mas made by Mr. *Green*, to insert after the words eight, "and the sheriff and his deputy, or deputies, shall not be eligible to serve as sheriff for the term of four years, after the expiration of the time for which he shall have been elected," which was negatived by yeas and nays, as follows:

Yeas Messrs. Bates Clarke Cleaver Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dawson Findlay Green Sullivan Thomas and Barton president 12.

Nays Messrs, Burckhartt Brown Bird Bettis Dodge Evans Henry Hammond Hutchings Houts Jones Lillard McNair McFerron Pratte Perry Ray Reeves Ramsay Rector Riddick Talbot and Wallaee 23.

A motion was then made by Mr. *Cook* of Ste. Genevieve, to strike out the first part of the section to the word "formed" inclusive, and to substitue in lieu thereof, the following, "in each county now established, or which may hereafter be established in this state, there shall be a sheriff and coroner appointed, who until the general assembly shall otherwise provide by law, shall be elected by the qualified voters for representatives, at the times and places of electing members of the general assembly," which was decided in the affirmative.

A motion was then made by Mr. *Jones*, to strike out of the amendment last adopted, the words "until the general assembly shall otherwise provide by law," which motion was negatived by yeas and nays, as follows:

Yeas Messrs Brown Bird Bettis Evans Hammond Jones McMair McFerron Perry Ray and Thomas 11.

Nays Messrs. Burckhart Bates Clark Cleaver Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Findlay Green Henry Hutchings Houts Lillard Pratte Reeves Ramsay Rector Riddick Sullivan Talbot Wallace and Barton presidedt 24.

The question recurring upon agreeing to the section as amended, it was decided in the affirmative, by yeas and nays as follows:

Yeas Messrs. Burckhartt Brown Bettis Clark Cleaver Cook (of Ste. Genevieve) Cook (of Madison) Dodge Findlay Green Henry Hammond Hutchings Jones Lillard McNair Pratte Perry Ray Reeves Ramsay Rector Riddick Sullivan Thomas and Wallace 26.

Nays Messrs. Bates Bird Chouteau Dawson Evans Houts McFerron Talbot and Barton president 9.

Sec. 22 and 23, agreed to.

Mr. *Cook*, of Ste. Genevieve, from the committee to whom was referred the fourth proposition, contained in the sixth section of the act of congress, authorizing the people of Missouri territory to form a constitution and state government, made a report on the subject therein embraced, which was read and laid on the table.

On motion of Mr. *Green*,

Resolved, That Nathaniel B. Tucker Esq. late a judge of the circuit court, be admitted a seat within the hall of this convention.

That part of the report of the committee appointed to draft a constitution for Missouri, concerning the judicial power, was taken up by the convention on its third reading.

Sec. 1, 2, 3, 4 and 5, agreed to.

Sec. 6. Mr. *Riddick* moved to insert between the word "and" and the word "exclusive," the following words "until otherwise provided by law," so as to make the section read

The circuit court shall have jurisdiction over all criminal cases, which shall not be otherwise provided for by law, and until otherwise provided by law, exclusive original jurisdiction in all civil cases, which shall not be cognizable before justices of the peace, the said courts shall sit in each county, at such times and places as the general assembly shall by law direct; which motion was carried, and the section as amended agreed to.

Sec. 7 and 8, agreed to.

Sec. 9. There shall be a court of chancery, which shall consist of one chancellor, whose jurisdiction shall be co extensive with the state, the times and places of holding whose sessions, shall be regulated in the same manner, as the sessions of the supreme court.

Mr. *Ramsay*, moved to strike out the section, which was negatived by yeas and nays, as follows:

Yeas Messrs. Burckhartt Bird Bettis Dawson Henry Hutchings Houts Lillard McNair McFerron Perry Ray Reeves Ramsay Talbot Thomas and Wallace 17.

Nays Messrs. Bates Brown Clarke Cleaver Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Evans Findlay Green Jones Pratte Rector Riddick Sullivan and Barton president 17.

So the section was agreed to.

Sec. 10 and 11, agreed to.

Sec. 12. The governor shall nominate, and by and with the advice and consent of the senate, shall appoint the judges of the supreme court, the judges of the circuit courts, and the chancellor, who shall hold their offices during good behaviour, and shall at stated times receive a compensation for their services, which shall not be diminished during their continuance in office, and which shall not be less than two thousand dollars to each of them annually.

Mr. *Dawson* moved to amend the section, by inserting after the word "chancellor," none of whom shall be less than thirty years of age," which amendment was concurred in.

Mr. *Perry* moved to strike out the words "two thousand dollars,"

with a view of inserting in lieu thereof, "one thousand six hundred dollars," the words were stricken out—and

Motions made and seconded, to fill the blank with the several sums, of $2500, $2100, $1900, $1800, $1600 and $1500.

The question being taken on filling the blank, with two thousand five hundred dollars, was negatived by yeas and nays, as follows:

Yeas Messrs. Bates Chouteau Cook (of Ste. Genevieve) Dodge Riddick and Barton president 6.

Nays Messrs. Burckhartt Brown Bird Bettis Clarke Cook (of Madison) Dawson Evans Findlay Green Henry Hutchings Houts Jones Lillard McNair McFerron Pratte Perry Ray Reeves Ramsay Rector Sullivan Talbot Thomas and Wallace 27.

The question was then taken on filling the blank with $2100, which was also negatived by yeas and nays, as follows:

Yeas Messrs. Bates Clarke Chouteau Cook (of Ste. Genevieve) Dodge Findlay Green Houts Riddick and Barton president 10.

Nays Messrs. Burckhartt Brown Bird Bettis Cleaver Cook (of Madison) Dawson Evans Henry Hutchings Jones Lillard McNair McFerron Pratte Perry Ray Reeves Ramsay Rector Sullivan Talbot Thomas and Wallace 24.

The question was then taken on filling the blank with $1900, which was also negatived by yeas and nays, as follows:

Yeas Messrs. Bates Clarke Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Findlay Green Houts McFerron Rector Riddick and Barton president 14.

Nays Messrs. Burckhartt Brown Bird Bettis Cleaver Evans Henry Hutchings Jones Lillard McNair Pratte Perry Ray Reeves Ramsay Sullivan Talbot Thomas and Wallace 20.

The question was then taken on filling the blank with $1800, which was carried in the affirmative by yeas and nays, as follows:

Yeas Messrs. Bates Clarke Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Evans Findlay Green Houts Jones McFerron Pratte Rector Riddick Sullivan Wallace and Barton president 19.

Nays Messrs. Burckhartt Brown Bird Bettis Cleaver Henry Hutchings Lillard McNair Perry Ray Reeves Ramsay Talbot and Thomas 15.

A motion was then made by Mr. *Perry*, to strike out the words "and which shall not be less than one thousand eight hundred dollars to each of them annually," which was negatived by yeas and nays, as follows:

Yeas Messrs. Burckhartt Brown Bird Bettis Henry Hutchings McNair Perry Ray Reeves Ramsay and Talbot 12.

Nays Messrs. Bates Clarke Cleaver Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Evans Findlay Green Houts Jones Lillard McFerron Pratte Rector Riddick Sullivan Thomas Wallace and Barton president 22.

So the section as amended was agreed to.

Sec. 13, 14, 15, 16, 17, 18, 19 and 20, agreed to.

A motion was then made for the convention to adjourn, till Wednesday morning 9 o'clock, which was decided in the affirmative by yeas and nays as follows:

Yeas Messrs. Bates Brown Clarke Cleaver Chouteau Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Evans Findlay Green Hutchings Jones Lillard Pratte Rector Riddick Sullivan and Barton president 20.

Nays, Messrs. Burckhartt, Bird, Bettis, Henry, Houts, McNair, McFerron, Perry, Ray, Reeves, Ramsay, Talbot, Thomas and Wallace. 14.

And the convention adjourned accordingly.

WEDNESDAY, JULY 5, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Jones*,

Resolved, That a committee of three be appointed to enquire into, and ascertain by the best means in their power, the quantity of land sold by the United States, in the several land districts in the Missouri territory, and make report thereof to this house; Messrs. Jones, Rector and Wallace, were appointed that committee.

The convention then took up that part of the constitution under the head of general provisions on its third reading, the preamble and first section agreed to.

Sec. 2. On motion of Mr. *McFerron*, the following words were added, "that a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty, and that the people have at all times the right and power to alter, reform or abolish their constitution and government, when their safety and happiness require it."

And the section as amended was agreed to.

Sec. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, agreed to.

Sec. 18. That no expost facto law, nor law impairing the obligation of contracts, or retrospective in its operations shall be passed, nor shall any law be passed, to prevent or delay, for a longer term than six months, the execution of judgments at law, or decrees in equity, or directly or indirectly, to compel creditors to take property in satisfaction of such judgments or decrees, when the same are rendered for money, nor shall the person of a debtor be imprisoned for debt, after he shall have delivered up his property, for the benefit of his creditors, in such manner as may be provided by law.

Mr. *Cook* of Ste. Genevieve, moved to strike out the words "for a longer term than six months," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Bates, Brown, Clarke, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dawson, Evans, Findlay, Pratte, Perry, Sullivan, Talbot, and Barton president, 14.

Nays, Messrs. Bird, Bettis, Cleaver, Dodge, Green, Henry, Hammond, Houts, Jones, Lillard, McNair, McFerron, Ray, Ramsay, Rector, Riddick, Thomas and Wallace, 18.

Mr *Thomas* then moved to strike out all the section, except "that no expost facto law, nor law impairing the obligation of contracts or retrospective in its operation shall be passed."

Mr. *Findlay* moved to strike out so much only, as related to the delay of judgments or decrees, with a view of retaining the latter part of the section.

And the motion thus modified, was decided in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Bates, Brown, Bird, Bettis, Clarke, Chouteau, Cook of Madison, Dodge, Evans, Findlay, Hammond Jones, McFerron, Pratte, Perry, Ramsay, Rector, Sullivan, Talbot and Thomas, 20.

Nays, Messrs. Burckhartt, Cook of Ste. Genevieve, Dawson, Green, Henry, Hutchings, Houts, McNair, Ray, Riddick, Wallace and Barton president, 12.

The question on striking out the latter part of the section in these words, "nor shall the person of a debtor be imprisoned for debt, after he shall have delivered up his property for the benefit of his creditors, in such manner as may be provided by law," was negatived by an unanimous vote.

And the section as amended was agreed to.

Sec. 19 agreed to.

Mr. *Jones* moved to adopt the following, as a 20th section.

"Every gift, sale or devise of lands to any minister, public teacher or preacher of the gospel as such, or to any religious sect, order or denomination, or to or for the support, use or benefit, of or in trust for any minister, public teacher or preacher of the gospel as such, or any religious order sect or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any minister, public teacher or preacher of the gospel as such, or any religious sect order or denomination, without leave of the general assembly shall be void except always any sale, gift, lease or devise of any quantity of land not exceeding ten acres for a church, meeting or other house of worship and for a burying ground, which shall be improved, enjoyed or used only for such purposes or such sale, gift, lease or devise shall be void."

And the question being taken on the adoption of the section, it was negatived by yeas and nays, as follows:

Yeas, Messrs. Clarke, Evans, Hammond, Jones, Ramsay, Riddick, Sullivan and Barton president, 8.

Nays, Messrs. Burckhartt, Bates, Brown, Bird, Bettis, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Green, Henry, Hutchings, Houts, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves, Talbot, Thomas and Wallace, 25.

Mr. *Bates* submitted the following, as a 20th section.

"No religious corporation shall ever be established in this state," which was adopted by yeas and nays, as follows:

Yeas, Messrs. Bates, Brown, Clarke, Cleaver, Cook of Madison, Dodge, Dawson, Evans, Green, Henry, Hammond, Houts, Jones, Lillard, McNair, Perry, Ramsay, Riddick, Sullivan, Talbot, Wallace and Barton president, 22.

Nays, Messrs. Burckhartt, Bird, Bettis, Cook of Ste. Genevieve, Findlay, McFerron, Pratte, Ray, Reeves and Thomas, 10

Sec. 21, 22, 23, 24, 25, 26, 27 and 28, agreed to.

Sec. 29. The general assembly shall have power to pass such laws to suppress the evil practice of duelling, as they may deem expedient,

upon agreeing to this section the yeas and nays were called for and taken, and were as follows:

Yeas, Messrs. Burckhartt, Bird, Bettis, Clarke, Cleaver, Cook of Madison, Findlay, Green, Henry, Hammond, Hutchings, Houts, Lillard, McNair, Pratte, Perry, Ray, Ramsay, Talbot, Thomas and Wallace, 21.

Nays, Messrs. Bates, Brown, Cook of Ste. Genevieve, Dodge, Dawson, Evans, Jones, McFerron, Reeves, Rector, Riddick, Sullivan, and Barton president, 13.

Sec. 30 and 31, agreed to.

Mr. *Bates* from the committee to whom was referred the different parts of the constitution to revise and arrange, reported that part in relation to the legislative department, which was ordered to be printed.

Then the convention adjourned, till 9 o'clock to morrow morning.

THURSDAY, JULY 6, 1820.

The convention assembled pursuant to adjournment.

Mr. *Jones* from the committee to whom the same was referred, made a report on the subject of a schedule, which was read the first and second time and committed to a committee of the whole, and made the order of the day for this day.

Mr. *Jones* from the same committee, submitted a printed report of the section relating to a state bank and branches.

On motion of Mr. *Ramsay*,

The convention resolved itself into a committee of the whole on the said report, Mr. Riddick in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair and Mr. Riddick reported the same with amendments, which was laid upon the table.

That part of the constitution under the head of "mode of revising and amending the constitution," was taken up by the convention on its third reading and agreed to.

Mr. *Bates* from the committee to whom was referred the revising and arranging the different parts of the constitution, reported those parts relating to the executive and judicial departments, the first of which was ordered to be printed.

On motions of Mr. *Evans*,

A reconsideration of the question agreeing to the 30th section of the general provisions was had, and on his further motion the said section was stricken out and the following adopted as a substitute, "all grants and commissions shall be in the name and by the authority of the state of Missouri, sealed with a seal of state, signed by the governor and countersigned by the secretary of state. The seal of state shall be called *the great seal of the State of Missouri*, and shall impress the figure of the mammoth surmounted by the American eagle, surrounded with 24 stars."

The convention then resolved itself into a committee of the whole, Mr. Lillard in the chair, on the order of the day, and after some time spent therein, the committee rose, Mr. President resumed the chair,

and Mr. Lillard reported that the committee of the whole had had under consideration the schedule, had made some progress therein, and that he was instructed to ask for leave to sit again.—Leave was granted.

Then the convention adjourned, till 9 o'clock to morrow morning.

FRIDAY, JULY 7, 1820.

The convention assembled pursuant to adjournment.

On motion of Mr. *Evans*,

The report of the committee of the whole on the subject of a state bank and branches, was taken up and read.

Mr. *Bates* submitted the following, in lieu of the report of the committee.

"The general assembly shall have power by and with the concurrence of two thirds of both houses to incorporate one banking company and no more, the amount of whose capital stock shall never exceed of which at least shall be reserved to the state. The bank so established may have any number of branches not exceeding three, to be established by law; no bank shall commence operations until of its capital stock shall have been subscribed, and one half thereof actually paid in gold or silver, and the stockholders shall be individually liable for all the debts of the bank; the general assembly shall provide by law, what acts shall occasion a forfeiture of the charter of any bank, and how the same shall be ascertained and declared."

On motion of Mr. *Ramsay*,

The first blank was filled, by inserting the words "five millions of dollars."

A motion was made to fill the second blank with "one half," which was carried in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Brown, Bird, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Henry, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Ray, Reeves, Ramsay, Rector, Riddick, Talbot and Wallace, 30.

Nays, Messrs. Perry, Sullivan, Bates, Thomas and Barton president, 5.

Mr. *Dawson* moved to strike out the words "and the stockholders shall be individually liable for all the debts of the bank;" and in lieu thereof to insert "and no charter of incorporation shall be granted to any banking company without making the stockholders severally and individually liable for all the debts of such bank or banks, in proportion to their stock therein, provided that the insolvency of individual stockholders shall not exempt the other stockholders from their liability for such proportion," which motion was negatived by yeas and nays as follows:

Yeas, Messrs. Cook of Ste. Genevieve, Dodge, Dawson, Evans, Pratte, Rector, Riddick, Sullivan, Thomas and Barton president, 10.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Bird, Bettis, Clarke, Cleaver,

Cook of Madison, Findlay, Green, Henry, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Perry, Ray, Reeves, Ramsay, Talbot and Wallace, 25.

A motion was then made to strike out all the section, except that part giving to the general assembly the power to establish a bank and branches, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Bates, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Heath, Jones, Pratte, Perry, Rector, Riddick, Sullivan, Thomas and Barton president, 16.

Nays, Messrs. Burckhartt, Boone, Baber, Bird, Bettis, Clarke, Cleaver, Green, Henry, Hammond, Hutchings, Houts, Lillard, McNair, McFerron, Ray, Reeves, Ramsay, Talbot and Wallace, 20.

The third blank was filled with "three hundred thousand dollars," and the words "one half thereof" stricken out and "two thirds thereof", inserted.

The question was then taken on agreeing to the section as amended, which was carried in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Boone, Baber, Bates, Bird, Bettis, Clarke, Cleaver, Evans, Hammond, Houts, Lillard, McNair, McFerron, Ray, Reeves, Sullivan, Talbot and Barton president, 19.

Nays, Messrs. Brown, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Green, Henry, Heath, Hutchings, Jones, Pratte, Perry, Ramsay, Rector, Riddick, Thomas and Wallace, 18.

And the further considertion of the subject was postponed until Monday next.

The convention then resolved itself into a committee of the whole, Mr. Ramsay in the chair, on that part of the constitution denominated schedule, and after some time spent therein the committee rose, reported further progress therein, and Mr. Ramsay asked for, and obtained leave to sit again.

And the convention adjourned, till 8 o'clock to morrow morning.

SATURDAY, JULY 8, 1820.

The convention assembled pursuant to adjournment.

The convention again resolved itself into a committee of the whole, Mr. Ramsay in the chair, on that part of the constitution denominated schedule, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Ramsay reported the same with sundry amendments, which was laid on the table.

Mr. *Jones* from the committee appointed to enquire into, and ascertain the quantity of land sold by the United States, in the several land districts in the Missouri territory, made a report upon that subject which was laid on the table.

Then the convention adjourned, till 8 o'clock to morrow morning.

MONDAY, JULY 10, 1820.

The convention assembled pursuant to adjournment.

The section on the subject of a state bank and branches as agreed

to was taken up and read, and on motion of Mr. *Findlay*, the same was recommitted to a select committee to be composed of three members, with instructions to report thereon; Messrs. Findlay, Reeves and Riddick, were appointed that committee.

Mr. *Findlay* from that committee reported the same in the following words, "the general assembly may incorporate one banking company and no more, to be in operation at the same time; the bank so incorporated may have any number of branches not exceeding to be established by law; and not more than one branch shall be established at any one session of the general assembly, the capital stock of the bank so to be incorporated, shall never exceed at least of which shall be reserved for the use of the state.

On motion of Mr. *Riddick*,

The first blank was filled with "five."

On motion of Mr. *Buckner*,

The second blank was filled with $5,000,000."

The third blank was filled with "one half."

Mr. *Green* moved to amend the section by adding the following, "the state and individual stockholders shall be responsible for the payment of all the debts of the bank," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Baber, Brown, Bird, Bettis, Clarke, Cleaver, Green, Henry, Houts, Lillard, McNair, McFerron, Ray, Reeves, Ramsay and Talbot, 16.

Nays, Messrs. Boone, Bates, Buckner, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Heath, Hammond, Hutchings, Jones, Pratte, Perry, Rector, Riddick, Sullivan, Thomas, Wallace and Barton president 21.

The question recurring on adopting this section in lieu of the original section reported, which is in these words "no bank shall be established in this state, nor the charter of any bank already established be extended, and the general assembly shall by law prevent the emission of bills of credit of any description either by associations or individuals," the yeas and nays were called and taken, and were as follows:

Yeas, Messrs. Boone, Bates, Brown, Buckner, Bettis, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Henry, Hutchings, Jones, McNair, Pratte, Perry, Rector, Riddick, Sullivan, Thomas, Wallace and Barton president 23.

Nays, Messrs. Burckhartt, Baber, Bird, Clarke, Cleaver, Green, Heath, Hammond, Houts, Lillard, McFerron, Ray, Reeves, Ramsay and Talbot, 15.

So the section as amended was adopted.

Mr. *Ramsay* submitted the following resolution,

"*Resolved*, That the president of this convention is entitled to, and that he be allowed dollars per day, and that each individual member is entitled to, and that they be allowed dollars per day, for their services in framing a constitution, and that the secretary of this convention be allowed dollars per day, and the door-keeper be allowed dollars per day for their services, all of which allowances shall be made out and certified by the president stating therein the amount to each allowed; which claim shall be audited by the auditor of public accounts of the territory of Missouri, and paid by the treasurer of the

same out of any money in the territorial treasury not otherwise appropriated."

And on motion of Mr. *Ramsay*, the same was referred to a committee of three members to report the same; Messrs. Ramsay, Jones and Henry, were appointed that committee.

The convention then proceeded to the consideration of that part of the constitution under the head of schedule.

Sec. 1, 2, 3, 4 and 5, agreed to.

Sec. 6. The general assembly shall at the first session thereof appoint five commissioners for the purpose of fixing the permanent seat of the state government, that is to say, one from each extreme part of the state, and one from the centre, any three of whom may act, but it shall require the concurrence of at least three of the commissioners to fix the said seat of government, whose duty it shall be to select four sections of the land of the United States, which shall not have been exposed to public sale, if the same shall be found in a convenient and fit place for such seat of government, provided the same shall be on the Missouri river and within forty miles of the mouth of the Osage river; and if the said four sections of land cannot be found agreeably to the fourth proposition contained in the sixth section of the act of congress, authorizing the people of Missouri territory to form a constitution; then it shall be the duty of the general assembly at the second session thereof, to appoint a like number of commissioners whose duty it shall be to select a convenient and proper place for the permanent seat of government, and they shall be authorized by law to purchase of the United States at private sale, or of any individual or individuals within the limits aforesaid, such quantity of land not exceeding six hundred and forty acres, as may be necessary for the seat of government; and the said commissioners so soon as they shall have procured such land either by selecting the said four sections, agreeably to the terms of the said fourth proposition of congress, or by purchase of the United States, or of any individual or individuals, shall proceed to lay out a town thereon, which town shall be the seat of government of this state from and after the 1st day of October, 1826."

Mr. *Cook* of Ste. Genevieve, moved to strike out that part in relation to the appointment of commissioners at the second session of the general assembly, and to insert in lieu thereof the following words, "the said commissioners to report to the next general assembly the four sections which in their opinion is most eligible for such seat of governernment within the limits aforesaid, and it shall be their duty also to select a spot which in their opinion is most eligible within said limits, and to whom it belongs whether to the United States or to any individual," which motion was carried in the affirmative.

Mr. *Jones* moved to strike out so much of the section as authorizes the commissioners to purchase of any individual or individuals, a tract of land for the seat of government, which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Evans, Jones, McFerron, Pratte and Perry, 5.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Emmons, Findlay, Green, Henry, Heath, Hutchings, Houts, Lillard, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 31.

Mr. *Evans* then moved to strike out the whole of the section after the first word, and in lieu thereof to insert the following, "permanent seat of government shall be at the town of St. Louis, in the county of St. Louis, until the 1st day of October, 1870, provided that there shall be built without expense to the state, a state house to be worth at least thirty thousand dollars, and in like manner a state prison, both of which buildings shall be built on a plan to be hereafter adopted by the general assembly, and to be done and completed by the 1st day of October, 1825, provided also, that if the said state house and state prison be not completed as heretofore specified, the general assembly shall provide for the selecting an eligible scite for the permanent seat of government, which scite shall be on the Missouri river and within thirty miles of the mouth of the Osage river, and so soon as the said scite for the permanent seat of government shall be ascertained and selected, the general assembly shall proceed to lay out a town thereon and provide for the erecting the necessary public buildings in such manner as they shall think expedient, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Brown, Buckner, Bird, Evans, Houts, Jones, McFerron and Pratte, 8.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Emmons, Findlay, Green, Henry, Heath, Hutchings, Lillard, McNair, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Talbot Wallace and Barton president, 28.

The question recurring upon agreeing to the section as amended in lieu of the original section, which being taken was carried in the affirmative by yeas and nays, as follows:

Yeas Messrs. Burckhartt Boone Bates Bettis Clarke Cleaver Cook (of Ste. Genevieve) Cook (of Madison) Dodge Dawson Findlay Green Henry Heath Hammond Hutchings Houts Lillard McNair Ray Reeves Ramsay Rector Riddick Sullivan Talbot Wallace and Barton president 28.

Nays Messrs. Brown Buckner Bird Emmons Evans Jones McFerron Pratte and Perry 9.

Sec. 7. The seat of government of this state shall be at St. Louis, in the county of St. Louis, until the 1st day of October, 1826.

Mr. *Boone* moved to strike out St. Louis, and insert St. Charles, which motion was negatived and the section agreed to.

Sec 8 and 9, agreed to.

Sec. 10. Amended so as to read "for the first election of senators the state shall be divided into districts, and shall be represented in the senate as follows, to wit:

The counties of Howard and Cooper, shall compose one district and elect four senators, and the election returns for the senators shall be made to the clerk's office, of the county of Howard.

The counties of Montgomery and Franklin, shall compose one dis-

trict and elect one senator, the returns for a senator shall be made to the clerk's office of Montgomery county.

The county of St. Charles, shall compose one district and elect one senator.

The counties of Lincoln and Pike, shall compose one district and elect one senator, the returns for a senator shall be made to the clerk's office of Lincoln county.

The county of St. Louis, shall compose one district and elect two senators.

The counties of Washington and Jefferson, shall compose one district and elect one senator, the returns for a senator shall be made to the clerk's office of Jefferson county.

The county of Ste. Genevieve, shall compose one district and elect one senator

The counties of Wayne and Madison, shall compose one district and elect one senator, the returns for a senator shall be made to the clerk's office of Madison county.

The counties of Cape Girardeau and New-Madrid, shall compose one district and elect two senators, the returns for the senators shall be made to the clerk's office of Cape Girardeau county.

Sec. 11 and 12, agreed to.

The the convention adjourned, till 8 o'clock to morrow morning.

TUESDAY, JULY 11, 1820.

The convention assembled pursuant to adjournment.

Mr. *Ramsay* from the committee to whom the same was referred, reported an ordinance providing for the pay of the members of the convention and their officers and other incidental and necessary expenses, which was read the 1st and 2nd time and committed to a committee of the whole house, and made the order of the day to morrow.

Mr. *Bates* from the committee to whom the same was referred, reported that part of the constitution relating to the general provisions revised and arranged, which was laid upon the table.

The convention then resolved itself into a committee of the whole, Mr. Hammond in the chair, on the preamble of the constitution, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Hammond reported the same with sundry amendments.

The convention then took up the preamble to the constitution, the distribution of powers, and the legislative powers, and proceeded to consider the same, section by section.

The preamble, first and second articles were read and agreed to,

ARTICLE 3.

Sec. 1 agreed to.

Sec. 2. The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several coun-

ties, each county shall have at least one representative, but the whole number of representatives shall never exceed one hundred.

Mr. *Buckner* moved to strike out the word "second," which was negatived by yeas and nays as follows:

Yeas, Messrs. Buckner, Bird, Bettis, Clarke, Findlay, Henry, Hammond, Houts, McFerron and Riddick, 10.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Green, Heath, Hutchings, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Sullivan, Scott, Talbot, Wallace and Barton president, 28.

And the section was agreed to.

Sec. 3 No person shall be a member of the house of representatives who shall not have attained to the age of twenty-five years.

Mr. *Buckner* moved to strike out "five," which was carried in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Boone, Bates, Buckner, Clarke, Cook of Ste. Genevieve, Cook of Madison, Dawson, Evans, Green, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Perry, Ray, Ramsay, Sullivan and Scott, 20.

Nays, Messrs. Burckhartt, Baber, Brown, Bird, Bettis, Cleaver, Dodge, Findlay, Henry, Heath, Hammond, Pratte, Reeves, Rector, Riddick, Talbot, Wallace and Barton president, 18.

The blank was filled with the word "four," and the section as amended agreed to.

Sec. 4 and 5, agreed to.

Sec. 6. Mr. *Scott* submitted the following proviso wich was adopted, "provided that when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district."

And the section thus amended was agreed to.

Sec. 7, 8 and 9, agreed to.

Sec. 10. Every free white male citizen of the United States who shall have attained to the age of twenty-one years, who shall have resided in this state one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices.

Mr. *Evans* moved to strike out "twenty-one" and insert "eighteen," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Bird, Bettis, Evans, Henry and Reeves, 6.

Nays, Messrs. Boone, Baber, Bates, Brown, Buckner, Clarke, Cleaver, Cook of Ste, Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Green, Heath, Hammond, Hutchings, Houts, Jones, McNair, McFerron, Pratte, Perry, Ray, Ramsay, Rector, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 31.

Mr. *Riddick* moved the following amendment after the word vote, "and who shall have paid a state or county tax or have been assessed for the same," which motion was negatived by yeas and nays, as follows.

Yeas, Messrs. Bates, Cleaver, Cook of Ste. Genevieve, Dawson, Findlay, Pratte, Perry, Rector, Riddick, Sullivan, Wallace and Barton president, 12.

Nays, Messrs. Burckhartt, Boone, Baber, Brown, Buckner, Bird, Bettis, Clarke,

Cook of Madison, Dodge, Evans, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Ray, Reeves, Ramsay, Scott and Talbot 26.

Mr. *Scott* then moved the following amendment which was adopted, "provided that no soldier, seaman or marine in the regular army or navy of the United States, shall be entitled to vote at any election in this state."

And the section thus amended was agreed to.

Sec. 11 agreed to.

Sec. 12. Amended so as to read, "no person who now is or hereafter may be a collector or holder of public money, or the assistant or deputy of such collector or holder of public money shall be eligible to either house of the general assembly or to any office of profit or trust, until he shall have accounted for and paid all sums for which he may be accountable.

Sec. 13. "No person while he continues to exercise the functions of a bishop, priest, clergyman or teacher of any religious persuasion, denomination, society or sect whatsoever, shall be eligible to either house of the general assembly, nor shall he be elected or appointed to any office of profit within this state, the office of justice of the peace excepted.

Mr. *Green* moved to strike out the whole section, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Findlay, Green, Hammond, McNair, McFerron and Pratte, 6.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Henry, Heath, Hutchings, Houts, Jones, Lillard, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Scott, Wallace and Barton president, 31.

So the section was retained and agreed to.

Sec. 14 and 15, agreed to.

Sec. 16. No senator or representative shall during the term for which he shall have been elected, be appointed to any civil office under the state which shall have been created, or the emoluments of which shall have been increased during his continuance in office, except to such offices as shall be filled by elections of the people."

Mr. *Hammond* moved to strike out the following words, "which shall have been created or the emoluments of which shall have been increased during his continuance in office," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Bird, Dawson, Henry, Heath, Hammond, Jones, McFerron, Pratte and Riddick, 9.

Nays, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Buckner, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Evans, Findlay, Green, Hutchings, Houts, Lillard, Perry, Ray, Reeves, Ramsay, Rector, Sullivan, Scott, Talbot, Wallace and Barton president, 27.

And the section was agreed to.

Sec. 17. 18, 19, 20, 21, 22 and 23, agreed to.

Sec. 24. The general assembly shall have power to pass such laws as they may deem expedient to suppress the evil practice of duelling."

Mr. *Hammond* moved to amend the section by striking out the words "have power to pass such laws as they may deem expedient to suppress," and in lieu thereof to insert "in their penal code provide by law, for the suppression of"—which amendment was adopted.

Mr. *Bates* moved to strike out the whole of the section as amended, which was carried in the affirmative.

And the section as amended stricken out.

Mr. *Dawson* moved to insert in lieu of the section stricken out the following, "the general assembly to suppress the evil practice of duelling, may pass laws to compel persons desirous of fighting duels, to fight unto death, in the presence and under the direction of a sworn officer, to be appointed for that purpose," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Bates, Buckner, Dawson, McFerron, Pratte and Ray, 7.

Nays, Messrs. Boone, Baber, Brown, Bird, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, Perry, Reeves, Ramsay, Rector, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 31.

Mr. *Scott* submitted the following as a 24th section, which was adopted.

"The members of the general assembly shall severally receive from the public treasury a compensation for their services, which may from time to time be altered, increased or diminished by law, but no alteration increasing or tending to increase the compensation of members shall take effect during the session at which such alteration shall be made."

Sec. 25. "The general assembly shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, where the person so emancipating will give security that the slave so emancipated, shall not become a public charge, or they may in their discretion provide that such emancipated slave shall depart from the state, and give security that he will never thereafter return thereto."

Mr. *Hammond* moved to strike out the latter part of the above clause in the section, which is in these words "or they may in their discretion provide that such emancipated slave shall depart from the state, and give security that he will never thereafter return thereto," which motion was decided in the affirmative, as follows:

Yeas, Messrs. Boone, Brown, Buckner, Bird, Bettis, Dawson, Green, Hammond, Hutchings, Houts, Jones, McNair, McFerron, Pratte, Perry, Rector, Sullivan, Scott, Talbot and Barton president, 20.

Nays, Messrs. Burckhartt, Baber, Bates, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Dodge, Evans, Henry, Heath, Lillard, Ray, Reeves, Ramsay, Riddick and Wallace, 17.

Mr. *Riddick* then moved to strike out the whole of that clause in the 25th section, which was negatived.

And the 25th section as amended was agreed to.

Sec. 26, 27, 28, 29, 30, 31 and 32, agreed to.

Sec. 33. On motion of Mr. *Ramsay*, the section was so amended as to read as follows, "the general assembly shall meet on the third Monday in September next, on the first Monday in November 1821, on the first Monday in November 1822, and thereafter the general assembly shall meet once in every two years, and such meeting shall be on the first Monday in November, unless a different day shall be appointed by law.

Sec. 34 "No county now established by law shall ever be reduced by the establishment of new counties to less than twenty-five miles square, nor shall any county hereafter be established which shall contain less than 625 square miles."

On motion of Mr. *Cook* of Ste. Genevieve, the "625" were stricken out and "400" inserted.

Then the convention adjourned, till 8 o'clock to morrow morning.

WEDNESDAY, JULY 12, 1820.

The convention assembled pursuant to adjournment.

The 34th section of the third article being still under consideration, Mr. *Findlay* moved to amend the section by inserting after the words "established by law," the words "east of the fifth principal meridian line," which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Dawson, Findlay, Green, Lillard, Ray, Reeves, Ramsay, Rector and Wallace, 10.

Nays, Messrs. Boone, Baber, Bates, Brown, Buckner, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Perry, Riddick, Talbot and Barton president, 22.

Mr. *Findlay* then moved to strike out the whole section, which was also negatived by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Buckner, Dodge, Findlay, Green, Henry, Heath, McFerron, Reeves and Scott, 11.

Nays, Messrs. Burckhartt, Bates, Brown, Bird, Bettis, Clarke, Cleaver, Chouteau, Cook of Madison, Dawson, Evans, Hammond, Hutchings, Houts, Jones, Lillard, Pratte, Perry, Ray, Ramsay, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 26.

Mr. *Ray* then moved to strike out the word "five," so that the old counties should not be reduced to less than twenty miles square, which motion was carried, and the section as amended agreed to.

Mr. *Scott* submitted the following as a 35th section, which was three times read and agreed to, "schools and the means of education shall forever be encouraged in this state, and the general assembly shall take measures to preserve from unnecessary waste or damage, such lands as now are or hereafter may be granted by the United States for the use of schools within each township in this state, and apply the funds which may be raised from such lands in strict conformity to the object of such grant; the general assembly shall take like measures for the improvement of such lands as have been or may hereafter be granted by the United States to this state, for the support of a seminary of

learning, and the monies which may be raised from such lands by rent or lease, or in any other manner, or from any other quarter for the purpose aforesaid, shall be and remain a fund for the exclusive support of a state university, for the promotion of the arts, literature and the sciences, and it shall be the duty of the general assembly as early as may be to provide effectual means for the improvement of such lands, and for the improvement and permanent security of the funds and endowments of such institution.

Sec. 36. On motion of Mr. *Bates*, the words "three years" were stricken out and "five years" inserted, and the section as amended was agreed to.

Mr. *Evans* submitted the following as a 37th section, "at all elections to be held under the authority of this constitution, the qualified electors shall publicly give their votes, viva voce."

Mr. *McFerron* moved to amend the proposed section by adding the words "or by ballot," which was negatived as follows:

Yeas, Messrs. Burckhart, Chouteau, Dodge, Dawson, Findlay, Henry, Hammond, Hutchings, Houts, Jones, McFerron, Pratte, Perry, Rector, Riddick, Sullivan and Barton president, 17.

Nays, Messrs. Boone, Baber, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Evans, Green, Heath, Lillard, Ray, Reeves, Ramsay, Scott, Talbot and Wallace, 21.

The question recurring upon agreeing to the proposed section, it was negatived by yeas and nays as follows:

Yeas, Messrs. Burckhartt, Baber, Buckner, Clarke, Cleaver, Cook of Madison, Dodge, Evans, Green, Heath, Houts, Lillard, Ray, Reeves, Ramsay, Scott, Talbot and Wallace, 18.

Nays, Messrs. Boone, Bates, Brown, Bird, Bettis, Chouteau, Cook of Ste. Genevieve, Dawson, Findlay, Henry, Hammond, Hutchings, Jones, McFerron, Pratte, Perry, Rector, Riddick, Sullivan and Barton president, 20.

Sec. 37 agreed to.

The convention then resolved itself into a committee of the whole, Mr. Findlay in the chair, on the ordinance allowing compensation to the members of the convention, for forming a constitution and state government for the people of Missouri territory, and the officers thereof and for the payment of certain expenses necessarily attendant thereon, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Findlay reported the same with sundry amendments, which was laid on the table.

ARTICLE 4.

OF THE EXECUTIVE POWER.

Sec. 1 agreed to.

Sec. 2. The governor shall be at least thirty-five years of age, and a natural born citizen of the United States, or a citizen at the adoption of the constitution of the United States, or an inhabitant of that part of Louisiana now included in the state of Missouri, at the time of the ces-

sion thereof from France to the United States, and shall have been a resident of the same at least four years, next before his election."

Mr *McFerron* moved to strike out the words "natural born," which was negatived by yeas and nays as follows:

Yeas, Messrs. Baber, Brown, Buckner, Bird, Bettis, Chouteau, Cook of Madison, Dodge, Hammond, Houts, Jones, McNair, McFerron, Pratte, Ramsay and Scott, 16.

Nays Messrs. Burckhartt, Boone, Bates, Clarke, Cleaver, Cook of Ste. Genevieve, Dawson, Evans, Findlay, Green, Henry, Heath, Lillard, Perry, Ray, Reeves, Rector, Riddick, Sullivan, Talbot, Wallace and Barton president, 22.

Mr. *Hammond* then moved to strike out the words, "or a citizen at the adoption of the constitution of the United States," and in lieu thereof to insert "a naturalized citizen of the United States at the time of the cession of the province of Louisiana by France to the United States," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Brown, Buckner, Bird, Bettis, Cook of Madison, Dodge, Henry, Hammond, Hutchings, Houts, Jones, McNair, McFerron, Pratte and Ramsay, 17.

Nays, Messrs. Burckhartt, Bates, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Evans, Findlay, Green, Heath, Lillard, Perry, Ray, Reeves, Rector, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 21.

And the section was agreed to.

Sec. 3, 4, 5, 6, 7, 8 and 9, agreed to.

Sec. 10. Amended by striking out the words "two thirds of the members present in," and inserting "a majority of all the members elected to."

Sec. 11, 12, 13 and 14, agreed to.

Sec. 15. Amending by striking out the words "and vote," and the section as amended agreed to.

Sec. 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, agreed to.

Messrs. *Findlay*, *Cook* of Ste. Genevieve, and *Bates*, were appointed a committee of enrolment.

Then the convention adjourned, till 8 o'clock to morrow morning.

THURSDAY, JULY 13, 1820.

The convention assembled pursuant to adjournment.

Mr. *Bates* from the committee to whom the same was referred, reported the schedule to be attached to the constitution revised and arranged, which was laid on the table.

On motion of Mr. *Findlay*,

Ordered that the secretary deliver to the committee of enrolment, the different articles of the constitution as they shall have been acted on, for the purpose of having them engrossed for a third reading, and final passage.

ARTICLE 5.

OF THE JUDICIAL POWER.

Sec. 1. The judicial power as to matters of law shall be vested in a

supreme court, in circuit courts, and in such inferior tribunals as the general assembly may from time to time ordain and establish."

Mr. *McFerron* moved to amend the section by inserting after the word "law," the words "and equity," which amendment was agreed to.

Mr. *Bates* then moved further to amend the section by inserting the words "in a chancellor" after the words supreme court, which was decided in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Bates, Clarke, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Heath, Jones, McNair, Pratte, Perry, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 23.

Nays, Messrs. Burckhartt, Brown, Buckner, Bird, Bettis, Henry, Hammond, Hutchings, Houts, Lillard, McFerron, Ray, Reeves, Ramsay and Thomas, 15.

And the section as amended was agreed to.

Sec. 2, 3, 4, 5, 6, 7, 8 and 9, agreed to.

Sec. 10. Amended so as to read "the court of chancery shall have orginal and appellate jurisdiction in all matters of equity, and a general control over executors, administrators, guardians and minors, subject to appeal in all cases to the supreme court, under such limitations as the general assembly may by law provide.

Sec. 11 agreed to.

Sec. 12. "The court of chancery shall have power to decree divorces from the bonds of matrimony, and from bed and board, under such regulations as the general assembly may prescribe.

On motion of Mr. *Bates*, the 12th section was stricken out.

Sec. 13 agreed to.

Sec. 14. The governor shall nominate and by and with the advice and consent of the senate, appoint the judges of the supreme court, the judges of the circuit courts and the chancellor, each of whom shall hold their offices during good behaviour and shall receive for their services a compensation which shall not be diminished during their continuance in office, and which shall not be less than $1800 to each of them annually.

Mr. *Perry* moved to strike out the $1800 which was carried, and the blank proposed to be filled with the several sums of $2500, $2000, $1600, $1500, $1200 and $300, the question being taken on filling the blank with $2500, was negatived by yeas and nays, as follows:

Yeas, Messrs. Bates, Chouteau, Cook of Ste. Genevieve, Dodge, Dawson, Evans, Riddick, Scott and Barton president, 9.

Nays, Messrs. Burckhartt, Boone, Baber, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Cook of Madison, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Talbot and Thomas, 29.

The question being then taken on filling the blank with $2000, it was decided in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Bates, Buckner, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Heath, Houts, Lillard, McFerron, Pratte, Rector, Riddick, Scott and Barton president 23,

Nays Messrs. Rurckhartt, Brown, Bird, Bettis, Henry, Hammond, Hutchings, Jones, McNair, Perry, Ray, Reeves, Ramsay, Talbot and Thomas, 15.

Mr. *Buckner* moved to strike out the words "during good behaviour," with the view of inserting six years, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Buckner, Bird, Bettis, Green, McNair, McFerron and Reeves, 8.

Nays Messrs. Baber, Bates, Brown, Clarke, Cleaver, Chonteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, Pratte, Perry, Ray, Ramsay, Rector, Riddick, Sullivan, Scott, Talbot, Thomas, Wallace and Barton president, 31.

And the section as amended was agreed to.

Sec. 15. No person shall be appointed a judge of the supreme court, nor of a circuit court, nor chancellor, before he shall have attained to the age of thirty years, nor shall any person continue to exercise the duties of any of said offices after he shall have attained to the age of sixty-five years.

Mr. *Ramsay* moved to strike out the words "thirty years," which was negatived by yeas and nays, as follows:

Yeas, Messrs, Bates, Buckner, Clarke, Cook of Ste. Genevieve, Findlay, Green, Lillard, Ramsay, Thomas and Barton president, 10.

Nays, Messrs. Burckhartt, Boone, Baber, Brown, Bird, Bettis, Cleaver, Chouteau, Cook of Madison, Dodge, Dawson, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McNair, McFerron, Pratte, Perry, Ray, Reeves, Rector, Riddick, Scott and Talbot, 28.

Mr. *Findlay* then moved to prefix the following words "until the year 1824," which was also negatived by yeas and nays, as follows:

Yeas, Messrs. Bates, Clarke, Cook of Ste. Genevieve, Dodge, Dawson, Findlay, Green, Lillard, Ramsay, Thomas, and Barton president, 11.

Nays, Messrs. Burckhartt, Boone, Baber, Brown, Buckner, Bird, Bettis, Cleaver, Chouteau, Cook of Madison, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McNair, McFerron, Pratte, Perry, Ray, Reeves, Rector, Riddick, Scott and Talbot, 27.

And the section was agreed to.

Sec. 16 agreed to.

Sec. 17. Any judge of the supreme court or of the circuit court, or the chancellor may be removed from office, on the address of two thirds of each branch of the general assembly to the governor for that purpose, but each house shall state on its respective journal the cause for which it shall wish the removal of such judge or chancellor, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the general assembly shall by law direct, provided that no judge or chancellor shall be removed in this manner, for any cause for which he might have been impeached."

Mr. *Bates* moved to strike out the section, which was negatived by yeas and nays, as follows:

Yeas, Messrs. Bates, Reeves, Rector, Riddick and Talbot, 5.

Nays, Messrs. Burckhartt, Baber, Brown. Buckner, Bird, Bettis, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, McFerron, Pratte, Perry, Ray, Ramsay, Scott, Thomas and Barton president, 32.

Sec. 18 agreed to.

Sec. 19. "Judgments confessed for any debt or damages in any court of record, or before any clerk of such court in vacation, or before any justice of the peace for any sum within his jurisdiction, shall be as valid in law and equity as judgments rendered in the ordinary course of legal proceedings.

Mr. *Bates* moved to strike out the section which was agreed to.

Sec. 20 and 21, agreed to.

The convention then took up the ordinance providing for the pay of the members and officers, which was read and agreed to, and ordered to be engrossed for a third reading.

GENERAL PROVISIONS.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, agreed to.

Then the convention adjourned, till 8 o'clock to morrow morning.

FRIDAY, JULY 14, 1820.

The convention assembled pursuant to adjournment.

Mr. *Bates* from the committee appointed to revise and arrange the different parts of the constitution, reported three articles thereof, one under the head of "militia," one under the head of "banks," and one under the head of "education," which were severally laid on the table.

That part of the constitution under the head of general provisions, being still under consideration.

Mr. *Bates* moved to change the words from general provisions to "declaration of rights," which was agreed to.

Sec. 17 agreed to.

Sec. 18. On motion of Mr. *Hammond*, the section was amended by adding the following words, "in such manner as shall be prescribed by law."

Mr. *Buckner* moved further to amend the section by adding the following, "and that no priest, preacher of the gospel, or teacher of any religious persuasion or sect, regularly ordained as such, be subject to militia duty or compelled to bear arms," which amendment was concurred in, and the section as amended agreed to.

Sec. 19, 20, 21 and 22, agreed to.

Mr. *McFerron* submitted the following as a 23rd section, "that all power not vested in the government by this constitution remains with the people, and that the enumeration herein of certain rights shall not be construed to deny or disparage the others retained by the people," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Bird, Evans, Hammond, Houts, Jones, McFerron, Perry, Scott and Wallace, 9.

Nays, Messrs. Baber, Bates, Brown, Bettis, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Henry, Heath, Hutchings, Lillard, Pratte, Ray, Reeves, Rector, Riddick, Sullivan, Talbot, Thomas and Barton president, 24.

Mr. *McFerron* then moved the following as a 23rd section, "that one or more schools shall be established in each township, so soon as practicable and necessary, under such rules and regulations as may be prescribed by law, and in such manner that the qualified electors shall have at all times the exclusive right of electing able teachers, and that the poor may be taught gratis, but no particular dogmas of religion shall be inculcated at such schools, unless the whole of the electors shall be of the same religious sect, or consent thereto; and provided that no person born hereafter who by the year 1841, may be unable to read and write the anglo saxon or some other language, shall be allowed to elect or be elected to any office within this state, until he be so qualified.

Mr. *Buckner* moved to strike out the proviso relating to a disqualification, which was carried in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Buckner, Bird, Clarke, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Evans, Green, Heath, Hammond, Hutchings, Houts, Jones, McNair, Pratte, Perry, Ray, Reeves, Rector, Scott, Wallace and Barton president, 23.

Nays, Messrs. Bates, Brown, Bettis, Chouteau, McFerron, Riddick, Sullivan and Talbot, 8.

And the section by leave of the house was withdrawn.

The sections adopted in relation to a state seal was stricken out and the following adopted in lieu thereof, and to appear as the 22nd section of the 4th article, "the secretary of state shall as soon as may be, procure a seal of state, with such emblems and devices as shall be directed by law, which shall not be subject to change, of which he shall be the keeper, it shall be called *the great seal of the State of Missouri*, and all official acts of the governor his approbation of the laws excepted, shall be authenticated by the seal.

The article in relation to banks was taken up and read.

Mr. *Green* submitted the following amendment, "provided that every individual stockholder when he subscribes for any stock, shall mortgage to the bank real estate to twice the amount of the stock or shares subscribed for by him, which real estate shall form a security fund and be liable to the payment of any of the debts of the bank, and shall only be released on a transfer of stock by a pledge of other real estate of equal value," which was negatived by yeas and nays, as follows:

Yeas, Messrs. Burckhartt, Bird, Clarke, Cleaver, Green, Lillard, McNair, Ray and Reeves, 9.

Nays, Messrs. Baber, Bates, Brown, Buckner, Bettis, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Pratte, Perry, Rector, Riddick, Sullivan, Scott, Talbot, Thomas, Wallace and Barton president, 28.

The article was agreed to.

The several articles in relation to education, and mode of amending the constitution, were severally read the third time and agreed to.

The engrossed ordinance providing for the pay of the members and officers of the convention, was read a third time and agreed to, by yeas and nays as follows:

Yeas, Messrs. Burckhartt, Baber, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Cook of Madison, Evans, Findlay, Henry, Heath, Hammond, Houts, Jones, Lillard, McNair, McFerron, Ray, Reeves, Rector, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 29.

Nays, Messrs. Cook of Ste. Genevieve, Dawson, Green, Hutchings, Perry, and Thomas, 6.

The engrossed ordinance declaring the assent of the people of the state of Missouri, by their representatives in convention assembled, to certain conditions and provisions in the act of congress of the 6th of March 1820, was read a third time and agreed to.

Then the convention adjourned, till 8 o'clock to morrow morning.

SATURDAY, JULY 15, 1820.

The convention assembled pursuant to adjournment.

The article under the head of militia was read the third time and agreed to.

Mr. *Cook* of St. Genevieve, submitted the following as an additional article.

Sec. 1. The general assembly of this state shall never interfere with the primary disposal of the soil by the United States; nor with any regulations congress may find necessary for securing the title in such soil to the bone-fide purchasers, no tax shall be imposed on lands the property of the United States, nor shall the lands belonging to the citizens of the United States residing out of the limits of this state, ever be taxed higher than the lands belonging to persons residing within the state.

Sec. 2. The state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said state, so far as the said rivers shall form a common boundary to the said state, and any other state or states now or hereafter to be formed and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same whether bordering on or within the state, shall be common highways and forever free as well to the citizens of this state as the United States, without any tax duty, impost or toll therefor imposed by this state," which article was read the first and second time and committed to a committee of the whole, and made the order of the day for this day.

The convention then resolved itself into a committee of the whole, Mr. Evans in the chair on the order of the day, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Evans reported the section with amendments.

The convention then proceeded to consider the said article, section by section.

The question being put on agreeing to the first section, the yeas and nays were called for and taken, and were as follows:

Yeas, Messrs. Burckhartt, Boone, Brown, Cleaver, Cook of Ste. Genevieve, Cook of Madison, Findlay, Henry, Heath, Hutchings, Jones, Lillard, Pratte, Perry, Reeves, Sullivan, Scott, Talbot, Wallace and Barton president, 20.

Nays, Messrs. Baber, Bates, Buckner, Bird, Bettis, Clarke, Dawson, Evans, Green, Hammond, Houts, McNair, McFerron and Riddick, 14.

Sec. 2. Unanimously agreed to.

Mr. *Bates* from the revising committee reported an article providing for the permanent seat of government, which was read and agreed to.

The convention proceeded to the consideration of the schedule as reported by the committee of revision.

Sec. 1, 2, 3, 4 and 5, agreed to.

Sec. 6. The consideration thereof postponed until Monday next.

Sec. 7. Mr. *Buckner* moved to amend the section, by reducing the representation of the counties of Howard, Cooper, Montgomery, Franklin, St. Charles, Pike, St. Louis, Ste. Genevieve, Washington, Cape Girardeau and New-Madrid, one member respectively; which motion was negatived by yeas and nays, as follows:

Yeas, Messrs. Buckner, Bird, Henry and McFerron, 4.

Nays, Messrs. Burckhartt, Boone, Baber, Brown, Bettis, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dawson, Evans, Findlay, Green, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, Pratte, Perry, Reeves, Rector, Riddick, Sullivan, Scott, Thomas, Wallace and Barton president, 31.

The said 7th and remaining sections were agreed to.

Then the convention adjourned, till 8 o'clock to morrow morning.

MONDAY, JULY 17, 1820.

The convention assembled pursuant to adjournment.

The convention proceeded to consider the sixth section of the schedule.

A motion was made to strike out "St. Louis" and insert Potosi, the question being taken first on striking out, the yeas and nays were taken, and were as follows:

Yeas, Messrs. Boone, Baber, Brown, Buckner, Bird, Bettis, Dodge, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Perry, Ray, Thomas and Wallace, 18.

Nays, Messrs. Burckhartt, Bates, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dawson, Findlay, Lillard, McNair, Pratte, Reeves, Rector, Riddick, Scott, Talbot and Barton president, 18.

So the motion was lost.

A motion was made by Mr. *Scott* to strike out the section, with a view of inserting the following, "the first meeting of the general assembly shall be at St. Louis, with power to adjourn to any other place after which until the year 1826, the general assembly shall fix on their place of meeting," the question being first taken on striking out, it was carried in the affirmative by yeas and nays, as follows:

Yeas, Messrs. Baber, Brown, Buckner, Bird, Bettis, Cook of Ste. Genevieve Cook of Madison, Dodge, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Perry, Scott, Thomas and Wallace, 20.

Nays, Messrs. Burckhartt, Boone, Bates, Clarke, Cleaver, Chouteau, Dawson, Findlay, Lillard, McNair, Pratte, Ray, Reeves, Rector, Riddick, Sullivan, Talbot and Barton president, 18.

Mr. *Buckner*, then moved to strike out St. Louis and insert St. Charles, the question being first taken on striking out, it was negatived by yeas and nays, as follows:

Yeas, Messrs. Boone, Baber, Buckner, Bird, Bettis, Evans, Henry, Heath, Hammond, Hutchings, Houts, Jones, McFerron, Perry and Thomas, 15.

Nays, Messrs. Burckhartt, Bates, Brown, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Findlay, Lillard, McNair, Pratte, Ray, Reeves, Rector, Riddick, Sullivan, Scott, Talbot, Wallace and Barton president, 23.

Mr. *Cook* of Ste. Genevieve, moved to strike out the remainder of the section after the words "any other place," and to insert in lieu thereof the following," and the general assembly at the first session thereof shall fix the seat of government until the 1st day of October 1826, and the first session of the general assembly shall have power to fix the compensation of the members thereof, any thing in the constitution to the contrary notwithstanding," which was agreed to.

Mr. *Cook* of Madison offered the following resolution,

Resolved, That a committee of three members be appointed, with instructions to cause the constitution to be translated into the French language, and 300 copies thereof to be printed and distributed for the use of the French inhabitants of this state," which was adopted, and Messrs. Pratte, Chouteau and Riddick, were appointed that committee:

The ordinance agreeing to the propositions of congress, was read a third time.

It was moved by Mr. *McFerron*, to strike out all the title after the words "an ordinance," negatived on the question shall the ordinance pass, it was carried in the affirmative.

The constitution being engrossed it was read, and on the final passage, the yeas and nays were called, and were as follows:

Yeas, Messrs. Burckhartt, Boone, Baber, Bates, Brown, Buckner, Bird, Bettis, Clarke, Cleaver, Chouteau, Cook of Ste. Genevieve, Cook of Madison, Dodge, Dawson, Evans, Findlay, Green, Henry, Heath, Hammond, Hutchings, Houts, Jones, Lillard, McNair, Pratte, Perry, Ray, Reeves, Ramsay, Rector, Riddick, Sullivan, Scott, Talbot, Thomas, Wallace and Barton president, 39.

Nay, Mr. McFerron, 1.

Mr. *Emmons* was absent owing to indisposition.

Then the convention adjourned, till 10 o'clock to morrow morning.

TUESDAY, JULY 18, 1820.

The convention assembled pursuant to adjournment.

Mr. *Findlay* from the committee of enrollments, reported that the committee had examined an enrolled ordinance, entitled "an ordinance declaring the assent of the people of the state of Missouri by their representatives in convention assembled, to certain conditions and provisions in the act of congress of the 6th of March 1820, entitled "an act to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the Union on

an equal footing with the original states, and to prohibit slavery in certain territories," and also "an ordinance for allowing compensation to the members of the convention for forming a constitution and state government for the people of Missouri territory, and the officers thereof and for the payment of certain expenses necessarily attendant thereon," and had found the same to be truly enrolled.

Mr. *Jones* offered a resolution which after being amended at the secretary's table, was adopted as follows:

Resolved, That the constitution of this state when signed be delivered to the president of the convention, who shall keep the same until a secretary of state shall be appointed and qualified when he will deliver it to him, to be filed and preserved among the archives of the state.

Mr. *Bates* offered the following resolution which was adopted.

Resolved, That the president of this convention be authorized to cause to be transmitted to the president of the United States, to the respective heads of departments of the federal government, and to the chief executive of each state in the United States respectively, and of the territories of the United States a copy of the constitution of this state, and that he be authorized to cause to be deposited in the office of the secretary of state, of this state, one hundred copies of the constitution of this state and of the journal of this convention, for the use and at the disposal of the general assembly, and that he be authorized to cause the remaining copies of the constitution and of the journal, to be distributed among the members of this convention for the use of their respective constituents, and that he be authorized to cause to be transmitted to the president of the senate and to the speaker of the house of representatives of the United States, respectively an authenticated copy of the constitution.

The following resolution was offered by Mr. *Cook* of Ste. Genevieve, and adopted.

Resolved, That the president of the convention be authorized to employ and appoint some qualified person to superintend the printing of the constitution of this state.

Then the convention adjourned, till 12 o'clock to morrow morning.

WEDNESDAY, JULY 19, 1820.

The convention assembled pursuant to adjournment.

Mr. *Findlay* from the committee of enrollments, reported that the committee had examined the constitution and found the same to be truly enrolled.

Mr. *McFerron* asked for and obtained leave to enter on the journal, his protest which is in the following words, "Joseph McFerron a member of this convention protests against the second section of the 4th article of this constitution, for that it creates a distinction incompatible with the fact of citizenship, that it is repugnant to the principles of the constitution of the United States, that it has a retrospective operation and degrades the naturalized citizen below the late subjects of the Spanish king, that it deprives such citizens of important vested rights of self-

government, and infringes that equality essential to the preservation of liberty, and which of right exists among all the parties to this constitution, that it inverts the order of nature and raises the son above his father."

On motion of Mr. *Bates*,

Resolved, That the secretary make up the journal of this convention, under the direction of the president.

On motion of Mr. *Heath*,

Resolved, Unanimously that the thanks of the members of this convention is due to the president of the convention, for the able and faithful discharge of his duty as president thereof.

On motion of Mr. *Jones*,

Resolved, Unanimously that the thanks of this convention be bestowed on their secretary, for the faithful and correct manner in which he has performed the duties of his office.

On motion of Mr. *Findlay*,

Resolved, Unanimously that the thanks of the convention are due to the officers and company of the "St. Louis Guards," for their attention to the convention at the time of signing the constitution.

On motion of Mr. *Scott*,

Resolved, Unanimously that the thanks of this convention be given to Jonathan S. Findlay, John D. Cook and Edward Bates, the committee of revisals and enrollments, for the diligent and accurate manner in which they have discharged the duties assigned them.

Mr. *Findlay* was appointed to superintend the printing of the constitution of this state.

The enrolled ordinance entitled "an ordinance declaring the assent of the people of the state of Missouri, by their representatives in convention assembled, to certain conditions and provisions in the act of congress of the 6th of March 1820, entitled "an act to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states, and to prohibit slavery in certain territories," and also the enrolled ordinance, entitled "an ordinance, for allowing compensation to the members of the convention, for forming a constitution and state government for the people of Missouri territory, and the officers thereof and for the payment of certain expenses necessarily attendant thereon," were severally signed by the president and countersigned by the secretary.

The constitution as enrolled was first signed by the president and by all the representatives, and countersigned by the secretary.

On motion of Mr. *Bates*,

Resolved, That the sergeant at arms be instructed as soon as this convention is dissolved to deliver the furniture of the convention to Jabez Warner of St. Louis, to remain in his hands, subject to the order of the general assembly.

And then the convention adjourned without a day.

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